

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

CATLIN SPECIALITY INSURANCE COMPANY

PLAINTIFF

V.

CIVIL ACTION NO. 1:20-CV-92-SA-RP

TRENT WARD

DEFENDANT

ORDER AND DEFAULT JUDGMENT

Now before the Court is the Plaintiff, Catlin Specialty Insurance Company's, Motion for Default Judgment [9].

According to the Complaint [1], on or about May 22, 2018, Trent Ward, the Defendant in this action, took his personal automobile to Mac Lindsey's/Boonville Auto Sale, Inc. ("Booneville Auto"), an automobile shop in Booneville, Mississippi, so that the vehicle could be repaired. Booneville Auto loaned one of its vehicles to Ward for use while his personal vehicle was being replaced. After Ward left the shop, while driving the loaned vehicle, he was in a collision with another vehicle, which was operated by Guy Staggs at the time.

Staggs filed suit against Ward in the Circuit Court of Prentiss County, Mississippi, seeking damages in the amount of \$5,000,000 for alleged damages sustained in the accident. At the time of the collision, Ward was insured under an automobile policy issued by State Farm Automobile Insurance Company. The vehicle which Ward was operating was owned by Booneville Auto and insured under a commercial general liability policy issued to Booneville Auto by Catlin.

After Staggs filed suit against Ward in state court, Catlin filed this action on May 14, 2020. Catlin seeks a declaration from this Court that the policy it issued to Booneville Auto "provides no coverage for Trent Ward as a driver of the Booneville Auto Sales automobile with respect to the May 22, 2018 accident." [1]. Catlin also seeks a declaration that it "is not obligated, in any

manner whatsoever, to defend or indemnify, or otherwise to pay or adjust any claims arising from the accident of May 22, 2018.” [1]. Despite being served with a summons and a copy of the complaint on May 19, 2020, Ward has not filed an answer or otherwise appeared in this case. Catlin filed a Motion for Entry of Default [6], and the Clerk entered default against Ward on July 1, 2020. [7]. Catlin has now filed a Motion for Default Judgment [9], requesting that this Court enter judgment against the Defendant.¹

Rule 55 of the Federal Rules of Civil Procedure authorizes the district court to enter a default judgment against a person who has failed to plead or otherwise defend a lawsuit filed against them. *See Fed. R. Civ. P. 55.* The District Court for the Southern District of Mississippi has previously entered default judgment in a declaratory judgment action against a defendant who failed to appear as required by the Federal Rules of Civil Procedure. *See Allstate Ins. Co. v. Hill*, 2011 WL 2693970 at *2 (S.D. Miss. July 11, 2011); *see also SUA Ins. Co. v. Buras*, 421 F. App’x 384, 385 (5th Cir. 2011) (affirming district court’s entry of default judgment in declaratory judgment action).

Here, the record reflects that the Defendant was served with process on May 19, 2020. However, he has not filed an answer or otherwise appeared in this cause. Because the Plaintiff has complied with all prerequisites as set forth in the Federal Rules of Civil Procedure, the Court finds that judgment should be entered in the Plaintiff’s favor against the Defendant.

¹ The Court notes that, while Ward has not appeared in any way in this cause, Staggs did file a Motion to Intervene [7] on June 30, 2020. However, on August 24, 2020, Magistrate Judge Percy entered an Order [14] denying this request, finding that Staggs did not have a sufficient interest to intervene in this cause.

Accordingly, it is hereby ORDERED and ADJUDGED that (1) Policy No. 2300106224, issued by Catlin Specialty Insurance Company, to Booneville Auto Sales, Inc. and/or Mac Lindsey's, affords no coverage for Trent Ward; and (2) Catlin Specialty Insurance Company owes no duty to and is not obligated to defend or indemnify Trent Ward against any claims or judgment or award of damages arising out of the automobile collision in which he was involved with Guy Staggs on May 22, 2018, in Prentiss County, Mississippi. This CASE is CLOSED.

SO ORDERED, this the 28th day of September, 2020.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE